

Below is an Order of the Court.

1

2

3

4

5

6

7

8

9

10

In re
Earth Class Mail Corporation,
Debtor.

Case No. 15-30982-tmb11

ORDER DETERMINING ADEQUATE
ASSURANCE OF PAYMENT TO UTILITY
COMPANIES

15

A hearing was held on March 18, 2015, to consider the Motion for Order Determining Adequate Assurance of Payment to Utility Companies [ECF Dkt # 8] filed by Earth Class Mail Corporation (the “Debtor”), as debtor in possession. Based on the entire record of this case, it is ORDERED that:

1. The payment of a cash deposit in an amount equal to two-times the total amount billed by a utility company for the last full service period immediately preceding February 27, 2015, to any utility that requests, in writing, assurance of payment as a condition of providing postpetition services to the Debtor constitutes “adequate assurance of payment” within the meaning of section 366(c)(2) of the Bankruptcy Code. Payment of such a deposit shall be made by the Debtor within 7 days from receipt of such a request. Except as otherwise ordered by this

26

PAGE 1- ORDER DETERMINING ADEQUATE ASSURANCE
OF PAYMENT TO UTILITY COMPANIES

Motschenbacher & Blattner, LLP
117 SW Taylor Street, Suite 200
Portland, OR 97204
Phone: (503) 417-0500
Fax: (503) 417-0501

Court or as otherwise agreed by the Debtor, the payment of the amounts listed in the attached **Schedule 1** shall, in each case, satisfy the requirements of section 366 of the Bankruptcy Code.

2. Except as provided in Paragraph 3 below, all utility service providers are hereby prohibited from altering, refusing, or discontinuing utility services to the Debtor without further Court order after notice and opportunity for hearing being afforded to the Debtor.

3. Frontier Communications Corporation (“Frontier”) is hereby prohibited from altering, refusing, or discontinuing utility services to the Debtor due to non-payment of any pre-petition charges, without further Court order after notice and opportunity for hearing being afforded to the Debtor. Notwithstanding the foregoing, Frontier may terminate services provided to the Debtor, without further Court order, if (1) the Debtor fails to pay Frontier for post-petition charges when due, (2) Frontier provides the Debtor with written notice of default in accordance with Frontier’s tariff provisions and applicable Oregon law; and (3) the Debtor fails to cure the default within the period allowed by Frontier’s tariff provisions and applicable Oregon law.

4. This Order is without prejudice to the right of any utility service provider to seek additional or alternative assurance of payment upon further request of this Court.

5. The Debtor is authorized to take all actions necessary to effectuate the relief granted by this Order.

6. The requirements of Bankruptcy Rule 6003(b) are satisfied to the extent they apply to the relief granted by this Order.

7. Notwithstanding Bankruptcy Rule 6004(h), this Order shall be effective immediately upon its entry.

8. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

###

PAGE 2- ORDER DETERMINING ADEQUATE ASSURANCE
OF PAYMENT TO UTILITY COMPANIES

Motschenbacher & Blattner, LLP
117 SW Taylor Street, Suite 200
Portland, OR 97204
Phone: (503) 417-0500
Fax: (503) 417-0501

1 I certify that I have complied with the requirements of LBR 9021-1(a)(2)(A).

2 **Presented by:**

3 MOTSCHENBACHER & BLATTNER, LLP

4 By: /s/ Nicholas J. Henderson
Nicholas J. Henderson, OSB No. 074027
5 nhenderson@portlaw.com
117 SW Taylor Street, Suite 200
Portland, OR 97204
6 Telephone: (503) 417-0500
Facsimile: (503) 417-0501

7
8 Proposed Attorneys for Earth Class Mail
Corporation

9

10 Parties to Receive Electronic Notice via CM/ECF:

11 • NICHOLAS J HENDERSON nhenderson@portlaw.com, csturgeon@portlaw.com;
tsexton@portlaw.com; atrauman@portlaw.com
12 • ROBERT IZMIRIAN rizmirian@buchalter.com
• HOWARD M LEVINE hlevine@sussmanshank.com, janine@sussmanshank.com,
ecf.howard.levine@sussmanshank.com
• DOUGLAS R PAHL dpahl@perkinscoie.com, etherrien@perkinscoie.com,
docketpor@perkinscoie.com
• US Trustee, Portland USTPRegion18.PL. ECF@usdoj.gov

15 Parties to receive Manual Notice:

16 • Frank T. Pepler, DLA Piper LLP, 555 Mission St #2400, San Francisco, CA 97105
17 • Gilbert L. Hamberg, Attorney at Law, 1038 Darby Drive, Yardley, PA 19067-4519

18

19

20

21

22

23

24

25

26

PAGE 3- ORDER DETERMINING ADEQUATE ASSURANCE
OF PAYMENT TO UTILITY COMPANIES

Motschenbacher & Blattner, LLP
117 SW Taylor Street, Suite 200
Portland, OR 97204
Phone: (503) 417-0500
Fax: (503) 417-0501

1

2 **Schedule 1 - Schedule Of Utility Deposits**

3

4 Utility Name	5 Service	6 Billings for Last Full Service Period	7 Proposed Cash Deposit
PGE	Electric - Beaverton	\$1,388.98	2,778.00
NW Natural	Gas	\$145.46	291.00
Waste Management	Garbage	\$140.53	281.00
Viawest	Datacenter	\$2,384.75	4,770.00
Southern California Edison	Electric - LA	\$137.84	276.00
Comcast	Internet – Beaverton	\$152.85	306.00
Frontier	Internet - BVR	\$229.99	460.00
XO	Phone	\$1,029.93	2,060.00
Time Warner	Internet - NY	\$199.00	398.00
Atlantic Metro	Internet - NY	\$289.00	578.00
Atlantic Metro	Internet - LA	\$597.00	1,194.00
AT&T	Internet - LA	\$60.00	120.00
Comcast	Internet - Seattle	\$139.08	278.00
Integra	Internet - Seattle	\$350.00	700.00
Atlantic Metro	Internet - SF	\$395.00	790.00
AT&T	Internet - SF	\$65.00	130.00
TOTAL			15,410.00